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Media Release

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Delaware Department of Justice Announces Settlement with Makers of Airborne in Deceptive Advertising Case

Wilmington, DE - The Delaware Department of Justice announced today that it has joined a nationwide settlement resolving a lawsuit against Airborne Health, Inc., ("Airborne") the Florida-based maker of the dietary supplement Airborne Effervescent Health Formula, along with its founders and current owners. Under today's settlement Airborne will pay \$7 million to settle allegations that it made illegal marketing claims about its products.

"Consumers are harmed anytime a company makes deceptive or misleading claims about its products," stated Delaware Department of Justice Fraud and Consumer Protection Division Director Timothy Mullaney. "We are acting today to ensure that Airborne's advertising claims are substantiated by scientific evidence."

The lawsuit alleges that Airborne:

- Made health-related claims in marketing, packaging, advertising, offering and selling its line of dietary supplements that were not substantiated by scientific evidence
- Claimed to sell a cold prevention remedy, a sore throat remedy, a germ fighter, and an allergy remedy without adequate substantiation to prove that the products could perform as advertised
- Failed to adequately warn about potential health risks that high doses of Vitamin A found in formulations of Airborne pose to select populations

Under the settlement, Airborne is prohibited from:

- Making any direct or implied claim concerning the health benefit, performance, or safety of its dietary supplement products unless scientific evidence exists to substantiate the claim
- Stating "take at the first sign of a cold symptom" or other claims that imply Airborne can diagnose, mitigate, prevent, treat, or cure colds, coughs, the flu, upper respiratory infections or allergies unless it has been approved as a drug by the Food and Drug Administration
- Demanding or influencing where a retailer places its products
- Marketing any product that contains directions for use that would, if followed, result in an individual ingesting 15,000 International Units of Vitamin A or more per day

The Delaware Department of Justice encourages consumers who have complaints about unsubstantiated health or advertising claims to contact its toll-free consumer hotline at 1-800-220-5424 or visit www.attorneygeneral.delaware.gov.

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